

**REMARKS**

Claims 10-12 are in the application unchanged.

Reconsideration and withdrawal of the rejection of claims 10-12 under 35 U.S.C. 112, first paragraph, are respectfully requested.

It is the Examiner's position that the claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Applicants respectfully disagree with this position.

Referring to the first paragraph on page 2 of the specification, the application makes clear what those skilled in the art consider to be "elongate structural parts as safety elements for automobile body construction". The specification specifically mentions lateral impact supports, bumpers, and column reinforcements. Since those skilled in the art know how these structural parts are to be constructed in dependence on the type of automobile and the location within the automobile, it is

clearly not necessary to further describe these parts. In any event, the present invention is not directed to any specific type of structural part.

As also mentioned in the first paragraph on page 2 of the specification, such structural parts are manufactured as "pressed parts" from sheet metal blanks. The word "pressed parts" clearly means to those skilled in the art that a suitable pressing tool is to be used for manufacturing the pressed parts.

The specification further mentions on page 2 that the structural parts can also be manufactured by "shaping and stamping tubes". Of course, the appropriate apparatus for this manufacturing step are shaping and stamping units. Clearly, such shaping and stamping units are known to those skilled in the art. The description of the method step to be carried out makes it clear to those skilled in the art which type of apparatus to use. No experimentation is required.

Finally, the first paragraph on page 2 of the specification mentions that the structural parts can be manufactured by rolling/profiling of steel strip. Consequently, it is logical to use rolling/profiling units for obtaining the desired configuration of the structural part. Thus, these units

are described clearly in the specification as originally filed.

Accordingly, it is already clear from the first paragraph of the specification what type of method step and what type of apparatus to use for obtaining the structural parts.

Referring now to the paragraph bridging pages 2 and 3 of the specification, it is mentioned that it is known in the art to use hardenable steels in the form of planks or tubes which are shaped into structural parts while still soft. Also in this case, those skilled in the art are clearly instructed what type of method steps have to be carried out and what type of apparatus has to be utilized for carrying out the method steps. In this connection, the paragraph bridging pages 3 and 4 of the specification mentions that combination shaping and hardening tools are used for shaping the structural parts. The specification specifically mentions that the prior art process necessarily entails high tool and energy technological expenditures.

Moreover, in the first paragraph on page 5 of the specification it is mentioned that the invention should require only minimal manufacturing and tool expenditure.

Consequently, it is submitted that the specification as

filed provides clear instructions for those skilled in the art how structural components are to be shaped by means of units that are known in the art. Therefore, the "means for shaping a blank of hardenable steel in the soft state" are sufficiently disclosed in the original application.

In the paragraph bridging pages 6 and 7 of the specification, it is mentioned that "complex pressed parts" can be manufactured. Clearly, to those skilled in the art the term "pressed parts" means that a suitable pressing unit is to be used.

The second paragraph on page 10 of the specification once again refers to the shaping of the structural parts from planks or tubes or by edge rolling of steel strip. Accordingly, when taken together with the description referred to above, it is submitted that it is clear that those skilled in the art are advised as to what type of shaping tools are to be used.

With respect to the "means for positioning" the elongate structural parts in the vertical direction, the Examiner is respectfully referred to the second paragraph on page 17 of the specification where the device 7 is mentioned which serves for treating the structural part in a "substantially vertical

position".

Accordingly, it is respectfully submitted that the specification as filed clearly supports and described the "means for shaping" and the "means for positioning" referred to by the Examiner.

Reconsideration and withdrawal of the rejection of claims 10-12 under 35 U.S.C. 103(a) as being unpatentable over Kowalski et al. in view of Umemoto et al. and the ASM Handbook, Volume 4, are also respectfully requested,

Applicants respectfully submit that the references relied on by the Examiner do not disclose or suggest the apparatus claimed in claims 10-12 of the application.

It is submitted that a combination of the references relied on by the Examiner results in an apparatus in which an inductor and a cooling unit following the inductor are moved exactly in the vertical direction along structural parts whose cross-sections do not change in the longitudinal direction thereof.

In contrast, in accordance with the present invention, it is important that for hardening at least portions of the structural

part with different cross-sections, it is proposed to arrange the inductor and the cooling unit so as to be movable relative to each other and to couple the inductor and the cooling unit to a tool carriage which is mounted on a column so as to be movable vertically on the column, transversely of the column and about a horizontal axis relative to the column.

Clearly, the three significant features mentioned above cannot be found in the combination of the three references relied on by the Examiner.

In summary, applicants respectfully submit that the present application as originally filed clearly describes the "means for shaping" and the "means for positioning", and that the references relied on by the Examiner do not remotely suggest mounting an inductor and a cooling unit so as to be movable relative to each other and to couple the inductor and the cooling unit to a tool carrier in such a way that the tool carrier is movable vertically on the column, transversely of the column and about a horizontal axis relative to the column.

Therefore, it is submitted that the rejections under 35 U.S.C. 112, first paragraph and 35 U.S.C. 103(a) should be withdrawn.



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The Examiner is respectfully requested to contact the undersigned attorney, so that an interview can be arranged and the arguments presented above can be discussed in further detail.

Therefore, in view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

Any additional fees or charges required at this time in connection with the application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

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Dated: December 16, 2003

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on December 16, 2003.

By:   
Friedrich Kueffner

Date: December 16, 2003